

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN DELCASTILLO and  
LOIS DIANE DELCASTILLO,

Plaintiffs,

**VS.**

ODYSSEY RESOURCE MANAGEMENT,  
INC., a Texas corporation, 1st ODYSSEY  
GROUP, INC., a Texas corporation,

Defendants.

8:01CV342

ORDER

This matter is before the court on remand from the United States Court of Appeals for the Eighth Circuit. Filing No. 160. The mandate has now issued. Filing No. 173. This court's award of damages for COBRA notice violations was reversed and the action was remanded "for further consideration of whether the Delcastillos may prevail on their claim for recovery of unreimbursed medical expenses" and attorney fees. Accordingly, the court finds that briefing is necessary.

IT IS ORDERED that:

1. Within twenty days of the date of this order, plaintiffs shall file a brief on their position with respect to: 1) their claim for unreimbursed medical expenses; 2) whether they can recover damages for breach of fiduciary duty; and 3) entitlement to attorney fees.
2. Defendants shall file their brief in response within twenty days thereafter.
3. Plaintiffs shall have ten days thereafter to reply.

DATED this 3<sup>rd</sup> day of May, 2006.

BY THE COURT:

s/ Joseph F. Bataillon

Joseph F. Bataillon

United States District Judge